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5 PCC No.: 35932
6 ASB NO.: 6253

Attorney for Plaintiffs

7
8 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
9 IN AND FOR THE COUNTY OF COCHISE

10 DANNY R. HATCH, JR. and DENICE R.
11 HATCH, husband and wife,

12 Plaintiffs,

13 vs.

14 RONALD J. KLUMP and JANE DOE
15 KLUMP, husband and wife, ROY J. KLUMP
16 and JANE DOE KLUMP, husband and wife,
17 and DAYLA HEAP and JOHN DOE HEAP,
18 wife and husband,

19 Defendants

NO. CV 201400128

AMENDED

COMPLAINT TO QUIET TITLE

Assigned: Hon. John Keliher

20 NOW COME Plaintiffs, Danny R. Hatch, Jr., and Denice R. Hatch, husband and
21 wife, by and through their attorney, Carl D. Macpherson, and for their Complaint to Quiet
22 Title with the Defendants in the above matter, respectfully represent unto this Honorable
23 Court as follows.

24 Your Plaintiffs are owners of real estate located in Cochise County, Arizona,
25 commonly known as 3983 North Shepard Road, Wilcox, Arizona 85644, being a parcel of
26 land consisting of 40.32 acres, the legal description thereof being:

27 Parcel 32 as shown on the Report of Survey, in Book
28 1 of Surveys, Pages 56 and 56A, Records of Cochise
County, Arizona, being a portion of the northwest
corner of Section 14, Township 13 South, Range 25
East of the Gila and Salt River Base and Meridian,
Cochise County, Arizona.

FILED

2014 JUN 18 AM 11:32

MARY ELLEN DUNLAP
CLERK OF SUPERIOR COURT

6228
DEPUTY

II

Defendants ROY J. KLUMP and JANE DOE KLUMP, husband and wife, are the owners of, a 300 plus acre parcel of land located in Cochise County directly south of Plaintiffs' parcel commonly known as 3840 N. Johnson Saddle Road, Wilcox, Arizona.

III

Defendants, RONALD J. KLUMP and JANE DOE KLUMP, husband and wife, are the owners of, or tenants on real property located at and residing at, 3840 N. Johnson Saddle Road, Wilcox, Arizona.

IV

Defendants DAYLA HEATH and JOHN DOE HEATH, wife and husband, are tenants presently residing at 3840 N. Johnson Saddle Road, Wilcox, Arizona.

V.

On the 1st day of February, 1977, Continental Service Corporation, as Trustee under Trust 9383, did convey an easement to construct, operate and maintain utilities and appurtenances for public utilities over the easterly sixty feet of your Plaintiffs property, which easement stopped at the southerly boundary of Plaintiff's property, as set forth in Instrument recorded in Docket 1122, Page 456,462, in the Office of the County Recorder of Cochise County, Arizona.

VI

Plaintiffs purchased subject property in August, 2003.

VII

Since the purchase of subject property they have exclusively used said easement as a driveway for purposes of ingress and egress, a true and correct copy of said Easement being attached hereto as Exhibit "1".

VIII

On or about December 30, 2013, Defendants, Ronald J. Klump and Jane Doe Klump, Dayla Heap, first attempted to use Plaintiff's private driveway for access to their

1 residence.

2 IX

3 Prior to said date, and presently, Defendants used North Johnson Saddle Road
4 exclusively as their means of ingress and egress to their property.

5 X

6 Plaintiffs aver that Defendants, from and after December 30, 2013, have trespassed
7 on their private driveway to gain access to their property.

8 XI

9 Plaintiffs aver that Lefty Sheppard and Sandra Earhardt, the prior owners of subject
10 property, used the hereinabove described easement as their private driveway for ingress
11 and egress to subject property exclusively, openly, notoriously and exclusively, for greater
12 than 11 years.

13 XII

14 Plaintiffs aver that they have used the hereinabove described easement as their
15 private driveway for ingress and egress to subject property exclusively, openly, notoriously
16 since they purchased same in August 2003.

17 XIII

18 Plaintiffs aver that Ronald Klump has committed irreparable damage to your
19 Plaintiffs property, including, but not limited to moving barbed wire that runs from the
20 ~~locked gate of their private driveway to their east pasture fence~~, has dragged Plaintiffs
21 driveway, breaking up the top thereof, put a combination lock on Plaintiffs' gate to their
22 residence, and has harassed Plaintiffs as to the exclusive use of their private driveway on
23 a regular basis, including, on one occasion, ten times in one hour!

24 XIV

25 Plaintiffs are informed and believe Defendants permitted Plaintiffs horses to
26 escape from their pasture by removing the fence and the gate to the pasture where
27 they are kept.

28

XV

Pursuant to A.R.S. §12-1103, Plaintiffs did cause to be tendered to Defendants, and each of them, a check in the amount of \$5.00, together with a Quit Claim Deed on the 30th day of January, 2014, a true and correct copy thereof being attached as Exhibits "2", "3" and "4".

WHEREFORE, Plaintiffs pray this Honorable Court:

1. Quiet Title to subject property in Plaintiffs.
2. Award Plaintiffs their court costs and attorney's fees incurred in the prosecution of this cause of action.
3. Enter a judgment against the Defendants, Ronald Klump and Dayla Heap, in a just and reasonable amount for rent as a result of their wrongful use of said driveway.
4. For such other and further relief as is equitable and in good conscience.

DATED this 12 day of June, 2014.


Carl D. Macpherson
Attorney for Plaintiffs

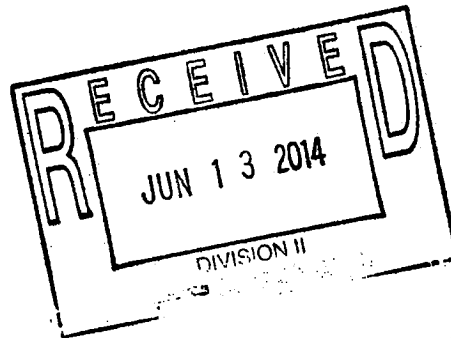
Copy of the foregoing to:

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12 JUN 2014 PM 9 L



Superior Court ~ Judge Keliher
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Original received by Div. 2. Please docket
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